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COMMISSIONER FOR PATENTS  
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John Murray

Name of applicant, assignee or  
Registered Representative

John Murray

Signature

OCTOBER 21, 2004

Date of Signature



Our Case No. 11472/3

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Tapas K Das Gupta *et al.*

Serial No.: 10/047,710

Filing Date: January 15, 2002

For: Cytotoxic Factors For Modulating  
Cell Death

Examiner: Yu, Misook

Group Art Unit No.: 1642

**SECOND SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT**

COMMISSIONER FOR PATENTS  
P.O. BOX 1450 ALEXANDRIA, VA 22313-1450

Dear Sir:

In compliance with the duty of disclosure under 37 C.F.R. § 1.56, it is respectfully requested that this second supplemental Information Disclosure Statement be entered and the documents listed on the attached Form PTO-1449 be considered by the Examiner and made of record.

In accordance with 37 C.F.R. § 1.97(g),(h), this second supplemental Information Disclosure Statement is not to be construed as a representation that a search has been made and is not to be construed to be an admission that the information cited is, or is considered to be, material to patentability as defined in 37 C.F.R. § 1.56(b).

This second supplemental Information Disclosure Statement is believed to be filed before the mailing of the first Office Action on the merits and hence is believed to be timely filed in accordance with 37 C.F.R. § 1.97(b). No fees are believed to be due in connection with filing of this Information Disclosure Statement. However, should any fees under 37 C.F.R. §§ 1.16 to 1.21 be deemed necessary for any reason relating to these materials, the Commissioner is hereby authorized to deduct said fees from Brinks Hofer Gilson & Lione Deposit Account No. 23-1925. A duplicate copy of this document is enclosed.

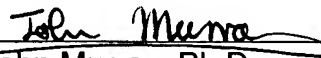
The present application claims benefit of provisional application serial number 60/269,133, filed Feb. 15, 2001. This prior application is relied upon for an earlier filing dated under 35 U.S.C. § 119. In accordance with Rule 37 C.F.R. § 1.98(d) copies of the following documents cited are enclosed:

Vasu Punj *et al.*, "Bacterial Cupredoxin azurin as an inducer of apoptosis and regression in human breast cancer", *Oncogene* (2004) 23, 2367-78

If, for any reason, the Examiner feels that an interview would be helpful to resolve any issues, he is respectfully requested to contact the undersigned attorney at (312) 321-4229.

Respectfully submitted,

Date: OCTOBER 21, 2004

  
\_\_\_\_\_  
John Murray, Ph.D.  
Registration No. 44,251  
Attorney for Applicant

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|---|--|------------------------|
| FORM PTO-1449   | SERIAL NO.<br>10/047,710                       | CASE NO.<br>11472/3    |
| LIST OF PATENTS AND PUBLICATIONS FOR<br>APPLICANT'S INFORMATION DISCLOSURE<br>STATEMENT | FILING DATE<br>January 15 <sup>th</sup> , 2002 | GROUP ART UNIT<br>1642 |
| (use several sheets if necessary)   | APPLICANT(S): Das Gupta et al.                 |                        |

## REFERENCE DESIGNATION

## U.S. PATENT DOCUMENTS

| EXAMINER<br>INITIAL | DOCUMENT<br>NUMBER | DATE | NAME | CLASS/<br>SUBCLASS | FILING<br>DATE |
|---------------------|--------------------|------|------|--------------------|----------------|
|                     |                    |      |      |                    |                |

## FOREIGN PATENT DOCUMENTS

| EXAMINER<br>INITIAL | DOCUMENT<br>NUMBER | DATE | COUNTRY | CLASS/<br>SUBCLASS | TRANSLATION<br>YES NO |
|---------------------|--------------------|------|---------|--------------------|-----------------------|
|                     |                    |      |         |                    |                       |

| EXAMINER<br>INITIAL | OTHER ART (Including Author, Title, Date, Pertinent Pages, etc.) |  |
|---------------------|--|--|
|                     | C1   | Vasu Punj et al., "Bacterial Cupredoxin azurin as an inducer of apoptosis and regression in human breast cancer", Oncogene (2004) 23, 2367-78. |
|                     |  |  |
|                     |  |  |

|          |                 |
|----------|-----------------|
| EXAMINER | DATE CONSIDERED |
|----------|-----------------|

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.